Document electronically

generated from the

United Nations

Optical Disk System

1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.1995/MC.II/SR.9
9 May 1995

ORIGINAL: ENGLISH

MAIN COMMITTEE II

SUMMARY RECORD OF THE 9th MEETING

Held at United Nations Headquarters, New York,
on Thursday, 4 May 1995, at 4 p.m.

Chairman: Mr. ERDÖS (Hungary)

CONTENTS

REVIEW OF ARTICLE III AND OF THE FOURTH AND FIFTH PREAMBULAR PARAGRAPHS, ESPECIALLY IN THEIR RELATIONSHIP TO ARTICLE IV AND TO THE SIXTH AND SEVENTH PREAMBULAR PARAGRAPHS (continued)

OTHER MATTERS

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference and Support Services, room DC2-794, 2 United Nations Plaza.

Any corrections to the records of this meeting and of other meetings of the Conference will be consolidated in a single corrigendum, to be issued shortly after the end of the Conference.

95-80964 (E)

/...

The meeting was called to order at 5 p.m.

REVIEW OF ARTICLE III AND OF THE FOURTH AND FIFTH PREAMBULAR PARAGRAPHS, ESPECIALLY IN THEIR RELATIONSHIP TO ARTICLE IV AND TO THE SIXTH AND SEVENTH PREAMBULAR PARAGRAPHS (continued)

Article III: Safeguards

1. The CHAIRMAN drew attention to the third revision of the draft text on the subject of safeguards. The Committee should focus its attention on those parts of the text on which the Drafting Committee had not been able to reach agreement.

Paragraph 2

2. Mr. WANG Jun (China) said that his delegation wished to know when the Drafting Committee had decided to insert the word "full-scope" after "IAEA" and before "safeguards". The second revision of the text had contained only the words "IAEA safeguards", and his delegation could not find in its notes any indication that "full-scope" had been added to the text.

3. Mr. SCHMIDT (Austria) said that he had proposed the addition of the word "full-scope" because paragraph 2 of article III of the non-proliferation Treaty referred to the principle of full-scope safeguards as a condition of supply. Moreover, when he had made his proposal, he had stressed that article III as a whole dealt with one major issue, namely, the universality of full-scope safeguards. As far as he could recall, there had been no objection to that explanation.

4. Mr. KLEBNIKOV (Russian Federation) proposed that, in the fourth line of paragraph 2, "condition of supply" should be amended to read "condition of new arrangements for supply", since it was important to emphasize that the new agreement did not have any retroactive effect.

5. Mr. BAEIDINEJAD (Islamic Republic of Iran) proposed that paragraph 2 should be deleted in its entirety, since the issue of full-scope safeguards was dealt with in other parts of the document.

6. The CHAIRMAN, supported by Mr. TALIANI (Italy), Mr. KAYSER (Luxembourg), Mr. BLANKENSTEIN (Germany) and Mr. WALKER (Australia), urged delegations not to reopen the discussion on those parts of the text on which agreement had already been reached. He strongly recommended that the Committee should accept paragraph 2 without any additional revisions.

7. Mr. ODAGA-JALOMAYO (Uganda) said that, instead of reopening the discussion on agreed paragraphs, the Committee should refer the matter to a higher forum.

8. Mr. WANG Jun (China) said that his delegation could accept the proposal by the Russian Federation. If the Russian proposal was not acceptable to the Committee, his delegation would have to insist that the word "full-scope" should be placed within square brackets.

9. The CHAIRMAN said that the word "full-scope" would be placed within square brackets and the text would be submitted to the Drafting Committee for further discussion.

Paragraph 4

10. The CHAIRMAN said that further consultations had been held on paragraph 4, and all delegations had reached agreement on the text of the paragraph.

11. Mr. HASAN (Iraq) said that, after a consensus had been reached on paragraph 4, one delegation had proposed a new addition to the text, which had reopened the discussion and resulted in a rewording of the text. In the last sentence of the new text, the Conference stressed "the need for Iraq to continue its cooperation fully" with the International Atomic Energy Agency (IAEA) but did not acknowledge the fact that Iraq had been cooperating with the Agency. The Committee should therefore decide either to keep the wording of the original consensus text or add a sentence acknowledging Iraq's cooperation. If the Committee wished to retain the current wording of paragraph 4, the text of the paragraph in its entirety should be placed in square brackets.

12. The CHAIRMAN said that, while the original text of paragraph 4 had not contained any acknowledgement of Iraq's cooperation with IAEA, the new text referred to the need for Iraq to continue its cooperation, thereby acknowledging that such cooperation existed. The agreed text had more or less met the expectations of delegations, and he urged the Committee not to introduce any new drafting changes.

13. Mr. HASAN (Iraq) said that, since one delegation had been given an opportunity to change the text after a consensus had been reached, his delegation should also be allowed to introduce a change that was not damaging to any delegation.

14. The CHAIRMAN said that the Committee had no other alternative than to place paragraph 4 within square brackets.

15. Mr. AL-SHAMMAM (Yemen) proposed that a sentence should be added to the end of paragraph 4, to read as follows: "The Conference commends Iraqi cooperation so far and stresses the need for Iraq to continue."

16. The CHAIRMAN reminded the representative of Yemen that the Committee had just decided to place the entire paragraph within square brackets pending further discussion.

17. Mr. ROSENTHAL (United States of America) said he had a compromise proposal to make regarding paragraph 4 if the Chairman was unwilling to put the paragraph between square brackets.

18. The CHAIRMAN said it had been agreed that paragraph 4 should be placed between square brackets. If the delegation of the United States had any further ideas it should submit them to the Drafting Committee since he was unwilling to reopen discussion of the issue.

Paragraph 5

19. The CHAIRMAN said it had not been possible to reach a compromise with the delegation of the Democratic People's Republic of Korea and it had therefore been decided to retain the original paragraph but to place it between square brackets.

20. Mr. KIM Chang Guk (Democratic People's Republic of Korea) said that the paragraph as it stood was totally unacceptable to his delegation. It dealt with a contentious issue that could only be settled through the agreed framework between the Democratic People's Republic of Korea and the United States. He was unclear as to how IAEA could verify full compliance without the implementation of the agreed framework. The paragraph had no real meaning and was simply designed to put pressure on his country.

Paragraph 10

21. The CHAIRMAN asked whether the language of the paragraph was fully acceptable to all delegations.

22. Mr. WALKER (Australia) said that he wished to raise the issue of what had happened at the meeting of the IAEA Board of Governors in March 1995. His delegation believed that the Board had taken a decision and the Conference should refer to that decision. Others believed that the Conference should refer to the conclusions of the Chairman of the Board of Governors. He wished to propose a neutral formulation that would take account of both views, and thus the first part of the sentence would read: "The Conference welcomes the outcome of the March 1995 meeting of the Board of Governors of IAEA." Furthermore, since his delegation believed that the role of the Conference was to give guidance to IAEA, he proposed replacing the phrase "in which it" by "and" so that the rest of the sentence would read: "and endorses the general direction of Programme 93 + 2 for a strengthened and cost-effective safeguards system and calls on all States parties to support this programme".

23. Mr. BLANKENSTEIN (Germany) proposed subamending the first part of the sentence to read: "The Conference welcomes the outcome of the March 1995 meeting of the Board of Governors, which endorses the general direction of Programme 93 + 2."

24. Mr. BAEIDINEJAD (Islamic Republic of Iran) proposed the inclusion of a new second sentence which would read: "The Conference reiterates therefore that once the safeguards system has been strengthened, no nuclear-weapon State may attempt to impede or deny access by non-nuclear-weapon States parties to the Treaty to nuclear materials, equipment and technology for peaceful purposes unless non-compliance is verified and established by IAEA."

25. Mr. SAINT-MIEUX (France), Mr. TALIANI (Italy), Mrs. DRDAKOVA (Czech Republic), Mr. ROSENTHAL (United States of America), Mr. EKECRANTZ (Sweden), Mr. COOK (New Zealand), Mrs. BESKER (Croatia), Mr. OUVRY (Belgium), Mr. In Guk PARK (Republic of Korea), Mr. PAPADIMITROPOULOS (Greece), and Mr. WIELAND (Switzerland) endorsed the Australian amendments.

26. Mr. TALIANI (Italy), Mrs. DRDAKOVA (Czech Republic), Mr. ROSENTHAL (United States of America), Mr. EKECRANTZ (Sweden), Mr. COOK (New Zealand), Mr. OUVRY (Belgium) and Mr. In Guk PARK (Republic of Korea) said they could not endorse the Iranian proposal.

27. Mr. AYADI (Algeria) said he supported the first Australian amendment but was reluctant to see the Conference endorse a decision which was still under consideration by the IAEA Board of Governors. He proposed that the Conference should await the outcome of the IAEA General Conference.

28. Mr. SUDJADNAN (Indonesia) endorsed the Iranian proposal, but wondered whether it would be better to insert it as the penultimate sentence of paragraph 8.

29. Mr. WANG Jun (China) said that he could accept the first Australian amendment, but was concerned that the second gave an inaccurate picture of what had happened at the meeting of the Board of Governors. Nevertheless, his delegation was prepared to endorse the German subamendment.

30. Mr. de ICAZA (Mexico) endorsed the first Australian amendment, but pointed out that a logical contradiction would arise if the second amendment was approved. It was unclear how the Conference could call on States parties to do more than it did itself.

31. Mr. BLANKENSTEIN (Germany) said he wished to withdraw his subamendment in the light of the emerging consensus.

32. Mr. ROSENTHAL (United States of America) proposed that the Mexican objection could be dealt with by changing the final part of the first sentence to read: "and calls on all States to support this programme with practical cooperation and assistance".

33. The CHAIRMAN said that in his view the wording proposed by the Islamic Republic of Iran did not belong in paragraph 10. Without prejudging the merits of the Iranian proposal, he suggested that it might be more appropriate to bring the matter up in connection with the still-unresolved issue of expert control.

34. Mr. AYADI (Algeria) said that his delegation could accept the proposed changes to the first part of the sentence, but that States could not be called upon to support a programme on which IAEA had not taken a final decision, especially since the Board of Governors itself had endorsed only the general direction of Programme 93 + 2. He suggested repeating that phrase, so that the end of the sentence would read: "and calls on all States to support the general direction of this programme."

35. Mr. SCHMIDT (Austria) noted that Programme 93 + 2 was an ongoing programme that was expected to culminate in a new, integrated safeguards system. Since many countries already participated in it, the reference to cooperation and assistance could be seen as an invitation to States to continue or begin to participate. That would be better than repeating the phrase "general direction", and would not represent an obligation on any individual State.

36. Mr. ODAGA-JALOMAYO (Uganda) said that he supported the addition of the phrase suggested by the United States delegation, but that it would be more meaningful to reverse the word order to read "practical assistance and cooperation".

37. Mr. WANG Jun (China) recalled that the original version of paragraph 10 had been proposed by his delegation. Although he did not object to the word "outcome", it was important that the rest of the sentence should reflect the endorsement of the general direction of Programme 93 + 2 by the IAEA Board of Governors. The Conference, in turn, expressed its endorsement in paragraph 12 by urging IAEA "to proceed expeditiously ... on all aspects of Programme 93 + 2". It was therefore unnecessary for the Conference to declare its support for the programme in paragraph 10 as well.

38. Mr. PAPADIMITROPOULOS (Greece) said that the Chinese delegation should not object to the inclusion of the Conference's endorsement of Programme 93 + 2 in paragraph 10, since China had been a key player in the discussions on that programme in the Board of Governors.

39. Mr. BAEIDINEJAD (Islamic Republic of Iran) noted that the new sentence he had proposed related to the question of strengthening the safeguards system, and should therefore appear as either the second sentence of paragraph 10 or the fourth sentence of paragraph 8. The new sentence could be placed in brackets and submitted to the Drafting Committee for a final decision.

40. Mr. SCHMIDT (Austria) said that the issue of safeguards systems was not central to the Iranian proposal, which dealt mainly with impediments to access to technology. The sentence therefore belonged in the section on export controls.

41. Mr. BENATALLAH (Algeria) said that he agreed with the Chinese delegation that the language of paragraph 10 must be compatible with that of paragraph 12, and that the Conference must not prejudge the decisions of the Board of Governors on Programme 93 + 2. The Board had only endorsed the "general direction" of the programme, whose technical, financial and legal aspects were still under discussion. He suggested that in order to reflect the language of paragraph 12, the sentence in paragraph 10 should be changed to read: "and calls on all States to proceed expeditiously with consideration and decision on all aspects of Programme 93 + 2".

42. Mr. ROSENTHAL (United States of America) said that if IAEA was to proceed expeditiously with the programme, it would need the "practical assistance and cooperation" of States. However, to ensure that the inclusion of that phrase in paragraph 10 was not construed as an endorsement of the programme, the phrase "and calls on all States to support this programme's investigations with practical assistance and cooperation" could be substituted.

43. Mr. WANG Jun (China) said he did not understand what the United States representative meant by "investigations".

44. Mr. SCHMIDT (Austria) said that the Algerian proposal had introduced a new concept. Paragraph 10 referred to the support of States for the programme,

while paragraph 12 spoke of IAEA as an organization. Since the paragraphs differed in scope, they should remain separate.

45. Mr. WALKER (Australia) said that different delegations were interpreting the word "support" in different ways. He agreed with the Algerian representative that no decisions had yet been taken regarding the end result of the programme, which was still at the research and development stage. The concern about not prejudging its outcome was legitimate. He therefore suggested adding "without prejudging its outcome" after the words "this programme".

46. Mr. SCHMIDT (Austria) said that it was important to retain the phrase "with practical assistance and cooperation" because countries that did provide such cooperation deserved to be recognized.

47. Mr. BENATALLAH (Algeria) said that the proposal put forward by the Australian delegation partially addressed his concerns, but that the main problem was that the Conference was endorsing a programme which had not yet been adopted. He proposed that the end of the sentence should be changed to read: "and calls on all States to support the global orientation of the programme without prejudging the outcome of this programme".

48. Mr. SCHMIDT (Austria) said that Programme 93 + 2 was still incomplete and that certain aspects of it remained to be developed in the future. The words "global orientation" might seem to refer only to the programme's current orientation. Since the ultimate aim of the programme was to institute comprehensive safeguards, the Conference should take care not to limit its prospects.

49. Mr. ODAGA-JALOMAYO (Uganda) said he supported the view of the Austrian representative, and suggested, as a compromise, the omission of the word "global" and the retention of the word "orientation" and the phrase "with practical assistance and cooperation, without prejudging its outcome".

50. Mr. ERFAN (Egypt) said that he understood the Algerian representative's concerns and that the reference to "practical assistance and cooperation" was too concrete, since the programme had not been finalized. However, he also agreed with the Austrian representative that the States which had provided such cooperation should be recognized. He therefore suggested that the end of the sentence should read: "... and in this respect, calls on all States to continue their support for this programme".

51. Mr. BENATALLAH (Algeria) said he shared the views of the Ugandan and Austrian delegations, and suggested that their concerns could be met by repeating the words "general direction" in place of "global orientation".

52. Mr. MIRAILLET (France) said that he applauded the Australian delegation's spirit of compromise, but that the phrase "without prejudging its outcome" sounded too negative. He supported the Egyptian proposal because it was more direct and did not imply a value judgement.

53. Mr. AGRELL (United Kingdom) said that it was unclear whether the Conference was calling on all States to adopt an attitude of general political support for

the programme, as in the Egyptian formula, or specifically urging them to support IAEA in the study and development of proposals under the programme. If the second interpretation was correct, he would suggest the phrase "to continue their support for the further definition of this programme, without prejudging its outcome".

54. Mr. WANG Jun (China) said he wondered whether the word "definition" meant that countries' support for the programme should be confined to that particular aspect of it. He still preferred the original wording, which was the simplest.

55. Mr. PAPADIMITROPOULOS (Greece) favoured retaining the original wording at the end of the first sentence in paragraph 10.

56. Mr. BLANKENSTEIN endorsed the amendment proposed by the representative of the United Kingdom.

57. Mr. WALKER (Australia) withdrew his amendment to insert the words "without prejudging its outcome", but said his delegation did not support the United Kingdom amendment as the programme did not require further definition. He proposed either to retain the original text or to adopt the amendment proposed by the representative of Egypt.

58. Mr. KLEBNIKOV (Russian Federation) said that since it was inappropriate to predict the outcome of the programme, he proposed that the word "additional", used in reference to "additional costs of measures" in the last sentence in paragraph 10 should be deleted.

59. Mr. OUVRY (Belgium) said to use the word "programme" was misleading since Programme 93 + 2 was in fact more of a project. He proposed to use the word "project" instead of "programme" and to adopt the amendment proposed by the United Kingdom.

60. Mr. PAPADIMITROPOULOS (Greece) said that his delegation would endorse the version proposed by the representative of the United Kingdom if the word "definition" were changed to "development", since the programme had already been defined. The new version would read: "to continue their support for the further development of this programme".

61. Mr. de ICAZA (Mexico), supported by Mr. OUVRY (Belgium), proposed that the first sentence be simplified to read as follows: "The Conference welcomes the outcome of the March 1995 meeting of the IAEA Board of Governors and supports the general direction of Programme 93 + 2 for a strengthened and cost-effective safeguards system".

62. Mr. SCHMIDT (Austria) said that it would weaken the text to delete the call to all States to support the programme individually.

63. Mr. ERFAN (Egypt) endorsed the Greek amendment but favoured using the word "process" instead of "programme".

64. Mr. WALKER (Australia), supported by Mr. AYADI (Algeria), proposed that, as a compromise to avoid the use of the word "programme", the sentence should be

amended to read: "... calls on all States to support continuation of this work".

65. Mr. PAPADIMITROPOULOS (Greece) said that the Australian amendment weakened the text. There was a need to explicitly urge States to support the programme. His delegation therefore preferred the amendment proposed by Mexico.

66. Mr. MIRAILLET (France) said that his delegation could not accept the Mexican amendment since it would omit the reference to an appeal to States, which was an important point of the paragraph. However, it was ready to accept the amendment proposed by Egypt, as subamended by Greece.

67. Mr. AGRELL (United Kingdom) and Mr. TALIANI (Italy) endorsed the Egyptian amendment.

68. Mr. MIRAILLET (France) said that his delegation could accept the Chairman's formulation.

69. Mr. PAPADIMITROPOULOS (Greece), supported by Mr. NORDIN (Malaysia), said that he agreed with the proposal made by the representative of Egypt, as supplemented by the representative of Italy.

70. The CHAIRMAN asked whether the Committee could now accept the first sentence of paragraph 10, amended to read: "The Conference welcomes the outcome of the March 1995 meeting of the IAEA Board of Governors and endorses the general direction of 'Programme 93 + 2' for a strengthened and cost-effective safeguards system and in this respect calls on all States to continue their support for this programme."

71. Mr. WANG Jun (China) and Mr. TALIANI (Italy) said that they could accept the sentence as currently formulated.

72. Mr. AYADI (Algeria) said that his understanding was that the end of the first sentence would refer to "this process" and not "this programme".

73. The CHAIRMAN said that while the original formulation had referred to the "process", there had been a proposal from Italy to amend the sentence to refer to the "programme", which had seemed to be acceptable to the Committee.

74. Mr. PAPADIMITROPOULOS (Greece) said that use of the word "programme" better reflected IAEA practice and gave more substance and clarity to the text. Use of the word "process" would be vaguer and would raise the issue of how to define that term.

75. Mr. SCHMIDT (Austria) agreed that use of the word "programme" better reflected the IAEA reality, and it would be preferable for the Committee to avoid the confusion that might arise if the word "process" were used.

76. The CHAIRMAN appealed to the delegation of Algeria to accept the word "programme", bearing in mind that the text would subsequently be reviewed by the Drafting Committee, in which it would still be possible to raise issues.

77. Mr. WANG Jun (China) said that difficulty might be resolved by reformulating the end of the sentence to read: "... and in this respect calls on all States for their continued support".

78. Mr. AYADI (Algeria) said that his preference for the word "process" reflected his wish to be faithful to the position of the IAEA Board of Governors, as well as the fact that only the general thrust of the programme had yet been determined. Perhaps the sentence could be amended to read "... support for the general direction of this programme".

79. The CHAIRMAN asked whether the Committee could accept the simplified formulation proposed by China.

80. Mr. SCHMIDT (Austria) said that his delegation would have no difficulty in so doing.

81. The CHAIRMAN said that he took it that the Committee accepted the formulation proposed by the representative of China, as well as the amended first part of the sentence which he had read out earlier. The paper would now be referred to the Drafting Committee.

Article III: Plutonium

82. Mr. ISASHIKI (Japan) said that the final sentence of paragraph 1 of the paper on plutonium should be corrected to read: "The Conference endorses continuing work of IAEA on further improving safeguards arrangements for large-scale commercial reprocessing facilities, for fuel handling and storage of separated plutonium and for uranium enrichment".

83. The CHAIRMAN said that he took it that the Committee accepted the corrections proposed by the representative of Japan, and that the paper could now be considered by the Drafting Committee.

OTHER MATTERS

84. The CHAIRMAN proposed to establish a working group to expedite the drafting of the paper on export licensing and to appoint Mr. MacKinnon of Canada as Chairman of the working group.

85. Mr. de ICAZA (Mexico) endorsed the Chairman's proposal and asked how the Committee would be kept informed of the group's work.

86. The CHAIRMAN said that the results of the working group's deliberations would be reported to a formal meeting of the Committee before they were referred to the Drafting Committee.

87. Mr. SUDJADNAN (Indonesia) said that his delegation believed that the issue of export licensing should be dealt with in formal meetings of the Committee.

88. The CHAIRMAN said that no formal meetings were available to the Committee but that any delegation which wished to do so could attend the meetings of the working group.

The meeting rose at 8.30 p.m.